

AFFIDAVIT

I, SHELDRON JACKSON, being duly sworn, depose and say:

INTRODUCTION

1. I am a Border Patrol Agent with the United States Border Patrol (“USBP”) permanently assigned to the Brian A. Terry Border Patrol Station in Bisbee, Arizona and detailed to Tucson Sector Prosecutions Unit in Tucson, Arizona. I have been an agent with USBP since October 23, 2008. I completed the USBP Academy on April 2009, where I received instruction in constitutional law, immigration law, criminal law, and federal and civil statutes. I have also received instruction in the detection, interdiction, and arrest of aliens illegally present in the United States, alien smugglers, and narcotics smugglers. As a Border Patrol Agent, my duties include patrolling the Tucson Area of Responsibility (“AOR”). I have apprehended numerous undocumented aliens, alien smugglers, controlled substance traffickers, and facilitators. I have processed and presented numerous cases for criminal prosecution and administrative proceedings.

2. On January 2023, I began my detail at Tucson Sector Prosecution Unit as a case agent for the second time in my Border Patrol career. As a case agent, I have conducted investigations involving illicit activity and have gathered and structured evidence and facts pertaining to administrative and criminal cases. I have taken sworn statements from material witnesses and suspects. I routinely perform record checks through various law enforcement databases to establish accuracy of information as well as gather facts relevant to cases. I have acted as a liaison between the United States Attorney’s Office and field agents, and I have assisted fellow agents in the development of their cases.

3. The facts supporting this affidavit were obtained through examination of reports and sworn statements pertaining to the seizure of a white 2023 Nissan Rogue, VIN: JN8BT3BA1PW404525 (“Defendant Vehicle”) and is intended to show there exists sufficient probable cause for the requested forfeiture and does not portray all my knowledge about this matter.

4. There is probable cause to believe that the 2023 Nissan Rogue, VIN: JN8BT3BA1PW404525, bearing Arizona license plate number P3A09L, was used in the

commission of crimes in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (v)(I), and (B)(i), and is therefore forfeitable pursuant to Title 8, United States Code, Section 1324(b)(1).

FACTS

5. On May 20, 2024, a Border Patrol Agent (“BPA-1”), was assigned to roving patrol near State Route (“S.R.”) 90 near Benson, Arizona. At approximately 6:50 A.M., Willcox Border Patrol Station Tactical Operations Center (“TOC”) advised agents in the field to be on the lookout (“BOLO”) for a white Nissan Rogue bearing an Arizona license plate P3A09L, the Defendant Vehicle, traveling on S.R. 80 westbound. The Defendant Vehicle has travel patterns consistent with alien smuggling. BPA-1 advised the TOC, by radio, that they would be responding to S.R. 80 and drive eastbound and see if they could locate the Defendant Vehicle.

6. At approximately 7:00 A.M., BPA-1 parked their service vehicle on S.R. 80 and watched the east and west bound lanes. At approximately 7:10 A.M., BPA-1 saw a white Nissan Rogue, suspected to be the Defendant Vehicle, travel in the westbound lane of S.R. 80, the windows were not heavily tinted, and BPA-1 saw the driver of the vehicle look at the marked Border Patrol (“BP”) vehicle as it drove by. BPA-1 quickly drove the marked BP vehicle on the westbound lane to try to catch up with the vehicle. At approximately 7:15 A.M., BPA-1 identified the vehicle as the Defendant Vehicle. BPA-1 verified the license plate and saw two passengers in the backseat moving around. BPA-1 also saw the driver constantly looking in his side mirrors, presumably to determine if BPA-1 was still behind him. The driver switched lanes, presumably in an attempt to see if BPA-1 was following the Defendant Vehicle. BPA-1 requested Tucson Sector Radio (“TSR”) to run vehicle checks on the Defendant Vehicle. The vehicle checks returned to a 2023 Nissan Rouge, registered to DUNCAN, Marc Richard and DUNCAN, Jennifer L, with an address of 1212 W. McMillan St, Tucson, Arizona 85705.

7. At approximately 7:17 A.M., BPA-1 notified TSR that they would be conducting a single agent vehicle stop on the Defendant Vehicle to perform an immigration inspection. BPA-1 activated their emergency lights and sirens and their issued body worn

camera. The Defendant Vehicle safely yielded near mile marker 304 and S.R. 80. BPA-1 approached the vehicle and asked the driver to put all his windows down due to two occupants in the backseat moving around. As BPA-1 approached the driver side of the vehicle, BPA-1 could see the driver was nervous and moving around. BPA-1 saw the rear passengers trying to conceal themselves with their jackets. BPA-1 asked the driver and all occupants inside the vehicle to place their hands in view so they could see them. BPA-1 identified himself as a Border Patrol Agent to all passengers inside the vehicle. BPA-1 told the driver that he would be conducting an immigration inspection on all occupants inside the vehicle. The driver and front seat passenger stated they were United States citizens. The two rear seat passengers attempted to lie about their citizenship and nodded their heads when BPA-1 asked them if they were United States citizens and gave a verbal answer of "yes". This raised BPA-1's suspicion that the two rear seat passengers were not truthful. BPA-1 asked the two rear seat passengers if they knew Spanish and if they were more comfortable speaking in Spanish, they both nodded their heads yes. BPA-1 asked the rear seat passengers their country of citizenship and they replied, "Mexico." BPA-1 asked if they had documents to be in the United States legally and one rear seat passenger said no and the other rear seat passenger said he does have documents to be inside the country legally. BPA-1 then proceeded to ask for everyone's identification and the two rear seat passengers complied and gave me their Mexican identification cards. Another BPA (BPA-2) arrived on scene and was able to conduct an immigration inspection on the other rear seat passenger who kept stating that he had documents to be inside the United States legally but was unable to provide such documents. The other passenger eventually admitted to being in the United States illegally. It was determined that both rear seat passengers were undocumented non-citizens (UNCs).

8. At approximately 7:22 A.M., BPA-1 determined that they were dealing with an alien smuggling case. The driver of the vehicle was identified as Anthony Montoya ("MONTOYA") with date of birth in 1992 and United States citizen. BPA-1 asked MONTOYA to exit his vehicle and then placed him under arrest for 8 U.S.C. § 1324, alien smuggling. BPA-2 arrested the front seat passenger who was identified as Jennifer

Duncan ("DUNCAN"), with a date of birth in 1993 and United States citizen. DUNCAN is the registered owner of the Defendant Vehicle. The rear seat passengers were identified as Christian Noe BARROSO-Uraje, with a date of birth in 2002, citizen of Mexico and Jhovanni Cristian ORTEGA-Mendez, with a date of birth in 1999 and citizen of Mexico. BARROSO and ORTEGA were illegally present in the United States without any legal documents to live, stay, or travel through the United States.

9. Based on the facts obtained from the immigration inspection, MONTOYA and DUNCAN were arrested for alien smuggling, by means of transportation. The Defendant Vehicle was seized as a conveyance used in the crime.

CONCLUSION

10. Based on information contained in this affidavit, I believe there is probable cause that the Defendant Vehicle, a white 2023 Nissan Rogue (VIN: JN8BT3BA1PW404525), was used in the commission of crimes in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (v)(I), and (B)(i), and is therefore forfeitable pursuant to Title 8, United States Code, Section 1324(b)(l).

Sheldron Jackson
SHELDRON JACKSON
Border Patrol Agent
United States Border Patrol

Subscribed and sworn to before me
on this 16 day of September, 2024.

Lorena Ainzá
Notary Public

